

JAN 07 2025

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MITCHELL R. ELFERS
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATTHEW ANDRES VALENZUELA,

Defendant.

CRIMINAL NO. 25-0017 MLG

Count 1: 21 U.S.C. § 846: Conspiracy;

Count 2: 21 U.S.C. §§ 841(a)(1) and
(b)(1)(A)(vi): Possession with Intent to
Distribute 400 Grams and More of
Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-
4-piperidinyl];

Count 3: 18 U.S.C. § 924(c)(1)(A)(i):
Using and Carrying a Firearm During and
in Relation to a Drug Trafficking Crime,
and Possessing a Firearm in Furtherance
of Such Crime;

Count 4: 18 U.S.C. §§ 922(g)(3) and 924:
Prohibited Person in Possession of a
Firearm and Ammunition;

Count 5: 18 U.S.C. §§ 922(n) and 924:
Illegal Receipt or Transportation of a
Firearm by a Person Under Indictment.

INDICTMENT

The Grand Jury charges:

Count 1

On or about July 22, 2024, in Cibola County, in the District of New Mexico, and elsewhere, the defendant, **MATTHEW ANDRES VALENZUELA**, unlawfully, knowingly, and intentionally combined, conspired, confederated, agreed, and acted interdependently with other persons whose names are known and unknown to the Grand Jury to commit an offense defined in 21 U.S.C. § 841(a)(1), specifically, distribution of a controlled substance.

Quantity of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide)
Involved in the Conspiracy

With respect to **MATTHEW ANDRES VALENZUELA**, the amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) involved in the conspiracy attributable to him as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is 400 grams and more of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide), contrary to 21 U.S.C. § 841(b)(1)(A)(vi).

In violation of 21 U.S.C. § 846.

Count 2

On or about July 22, 2024, in Cibola County, in the District of New Mexico, and elsewhere, the defendant, **MATTHEW ANDRES VALENZUELA**, unlawfully, knowingly, and intentionally possessed with intent to distribute a controlled substance, and the offense involved 400 grams and more of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide).

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(vi).

Count 3

On or about July 22, 2024, in Cibola County, in the District of New Mexico, the defendant, **MATTHEW ANDRES VALENZUELA**, during and in relation to a drug trafficking crime for which the defendant may be prosecuted in a court of the United States, specifically, possession with intent to distribute fentanyl as charged in Count 2 of this indictment, knowingly used and carried a firearm, and in furtherance of such crime, possessed said firearm.

In violation of 18 U.S.C. § 924(c)(1)(A)(i).

Count 4

On or about July 22, 2024, in Cibola County, in the District of New Mexico, the defendant, **MATTHEW ANDRES VALENZUELA**, knowing that he was an unlawful user of and addicted to any controlled substance as defined in Section 102 of the Controlled Substances Act, knowingly possessed a firearm and ammunition in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(3) and 924.

Count 5

On or about July 22, 2024, in Cibola County, in the District of New Mexico, the defendant, **MATTHEW ANDRES VALENZUELA**, knowing that he was under indictment for at least one crime punishable by imprisonment for a term exceeding one year, specifically, possession of a controlled substance (fentanyl), willfully transported and received a firearm, specifically, a 9 mm Walther PPQ Q5 MATCH SF pistol bearing serial number FDQ8641, said firearm having been shipped and transported in interstate and foreign commerce.

In violation of 18 U.S.C. §§ 922(n) and 924.

FORFEITURE ALLEGATIONS

Upon conviction of any offense in violation of 21 U.S.C. §§ 841, the defendant, **MATTHEW ANDRES VALENZUELA**, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense(s) and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense(s). The property to be forfeited includes, but is not limited to:

- a. a 9 mm Smith & Wesson M&P Shield pistol bearing serial number JEE6586,
- b. approximately 42 9 mm cartridges,

- c. a 9 mm Walther PPQ Q5 MATCH SF pistol bearing serial number FDQ8641,
- d. approximately 16 hollow point 9 mm cartridges, and
- e. approximately \$160,317.00 in United States currency.

Upon conviction of any offense in violation of 18 U.S.C. §§ 922(g) or 924(c), the defendant, **MATTHEW ANDRES VALENZUELA**, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the offense(s), including, but not limited to:

- a. a 9 mm Smith & Wesson M&P Shield pistol bearing serial number JEE6586,
- b. approximately 42 9 mm cartridges,
- c. a 9 mm Walther PPQ Q5 MATCH SF pistol bearing serial number FDQ8641,
- d. approximately 16 hollow point 9 mm cartridges, and

A TRUE BILL:

151
FOREPERSON OF THE GRAND JURY


Assistant United States Attorney